IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5465 of 2007()

CMP.2882/2007 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
CRIME NO.58/05 OF THE AREACODE POLICE STATION

.....

PETITIONER/ACCUSED NO.10

SATHEESH @ OLLUR SATHEESH,
S/O RAMU, AKATHEPARAMBIL HOUSE,
NADATHARA, THRISSUR DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION - THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5465 OF 2007

Dated this the 19th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 10th accused in a crime registered, inter alia, under Secs.395 and 120-B of the IPC. Altogether, there are 11 accused persons. The alleged incident took place on 25/2/2005. The crux of the allegations is that in pursuance of a conspiracy hatched between the conspirators, who wanted to attack and rob the de facto complainant of the huge amount which he was carrying, the petitioner along with some other co-accused travelled in a bus in which the de facto complainant was travelling. The miscreants, including the petitioner, forcibly took the victim out of the bus, intimidated him and assaulted him and robbed him of the amount which he was carrying. Investigation is in progress. The petitioner's complicity was allegedly revealed

when the third accused was arrested and interrogated. The petitioner herein was allegedly arrested on 31/7/07 in another crime. It is submitted that in that crime he had already ordered to be released on bail. But, before he was released from custody, he was implicated in this crime as the 10th accused. He was accordingly detained in custody as accused in this crime from 7/8/07.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner is not involved at all in the present crime. Fanciful allegations are now being raised against the petitioner. It is crucial to note that even though the incident took place on 25/2/05 and some of the co-accused were arrested earlier, the petitioner had not been arrayed as accused for a long period of time. Solely on the basis of unsubstantiated suspicion and prejudice, the petitioner is being arrayed as an accused, it is submitted by the learned counsel for the petitioner. At any rate, the petitioner, who has remained in custody from 31/7/07 and whose arrest in this case has been recorded on 7/8/07, may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the

seriousness and the gravity of the offence alleged may not be ignored or overlooked by this court. The crime is shocking and grave. Investigation is not complete. The petitioner was allegedly travelling in the vehicle in which the de facto complainant was travelling and he was monitoring the operations. He had identified the de facto complainant and had passed on the information to others. He played a crucial role in the actual intimidation, threatening and robbing also. The Investigating Officer has not received sufficient time after the arrest of the petitioner to complete the investigation. Accused 2 and 9 are still at large also. The petitioner has criminal antecedents, it is further submitted. At any rate, this Court may not be pleased to release the petitioner on bail at this early stage, submits the learned Public Prosecutor.

4. Having considered all the relevant circumstances, I find merit in the opposition by the learned Public Prosecutor. I am not satisfied in the facts and circumstances of this case that the petitioner deserves to be enlarged on bail at this stage. I agree with the learned Public Prosecutor that in a case like this, considering the nature of the allegations, the nature of the materials collected and the stage of the investigation, the Investigating Officer must be given reasonable further time to

complete the investigation.

5. In the result, this bail application is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation – not, at any rate, prior to 3/10/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge